

## **REMARKS**

Responsive to the Office Action mailed August 25, 2004 and with an extension of time of THREE MONTHS, the present paper is timely filed on or before February 25, 2005. By the present Reply and Amendment, claims 31 and 35 are amended and no claims are cancelled. Accordingly, claims 31 - 35 are in the application. Entry of the amendments and reconsideration of the application are respectfully requested.

### **The Claim Amendments**

Claims 31 and 35 are amended to point-out the present invention with even greater particularity.

Specifically, claims 31 and 35 are amended to recite that the organic free radical initiator of the claims is thermally activated and that the organic free radical initiator is on the surface of the substrate at the time of thermal activation. Applicants respectfully submit that the skilled artisan, giving the term "organic free radical initiator" its normal customary meaning in the trade would understand this term to mean initiators that are set into operation by the action of heat. In any event, Applicants respectfully submit that specific support for the amendment can be found in the specification at, for example, page 15, line 10.

Claims 31 and 35 are further amended to recite that the source of free radicals is at the surface at the time of initiation. Applicants respectfully submit that this is clear from the totality of their detailed description of their invention. Applicants respectfully submit that specific support for the amendments can be found in the specification at, for example, page 9, lines 3-5 and page 9, line 24 through page 10, line 8.

Applicants respectfully submit that the claim amendments introduce no new matter into the application.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 31 -35 were rejected under 35 U.S.C. § 102 as allegedly anticipated by Peter J. Feydelor and David E.M. Taylor, United States Patent 4,377,010 (Feydelor '010). Because Feydelor '010 does not teach all of the elements of Applicants' claims, arranged as Applicants arrange them in their claims and performing substantially the same function as in Applicants' claims, Applicants respectfully traverse.

At paragraph 4, page 4 of paper 5, the Office asserts that Feydelor teaches a medical device (e.g. a vascular prosthesis, heart valve) having a plurality of monomer molecules grafted onto the surface from a medium having reversed phase properties with respect to the substrate. Applicants respectfully submit that, even *if* Feydelor '010 does teach polymerization from a medium having reversed phase properties, which Applicants only accept *in arguendo*, this falls far short of recitation of all of the elements of Applicants' claims. For example the locus and kind or type of initiator, to mention just two "missing" elements. Applicants respectfully submit that the argument at page 4, paragraph 4, of paper 5, repeated in the instant Office Action, fails to establish anticipation of the invention of Applicants' claims 31 - 35.

In the instant Office Action, the Office alleges, citing the abstract, that Feydelor '010 teaches that graft copolymer is grafted "at least at the surface" of the substrate and, citing col. 3, ll. 11 - 17, alleges that the graft polymerization is initiated by organic free radicals. For purposes of the present argument only and concerning Feydelor '010 only, even *if* these allegations were true and combined with the re-asserted arguments, the Office has not shown how Feydelor '010 teaches all of the elements of Applicants' claims. For example, Feydelor '010 fails to teach at least the element that the organic free radical initiator be a thermally activated initiator present on the surface of the substrate at the time of thermally-induced initiation. Feydelor '010 does not teach all of the elements of Applicants' claims arranged as Applicants have arranged them. Accordingly, Applicants respectfully submit that the rejection over Feydelor '010 should be withdrawn. See M.P.E.P. § 2131 (citing *Verdegal Bros. v. Union Oil of California*, 814 F.2d 628, 621 (Fed. Cir. 1987) ("[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")).

Claims 31 - 35 were also rejected as allegedly anticipated under 35 U.S.C. § 102 by Michal et al., United States Patent 6,287,285 (Michal '285) for the reasons given at paragraph 5 of the Office Action mailed December 29, 2003. For the reasons given below, Applicants respectfully traverse.

Michal '285 does not teach use of an "organic free radical initiator" as Applicants respectfully submit the skilled artisan would interpret that term in Applicants' claims, particularly in light of Applicants' disclosure, regardless of the underlying mechanism of graft polymerization (anionic, cationic, radical). In any event, Michal '285 does not teach

that the initiator is on the surface of the substrate at the time of being activated by heat, nor does Michal '285 even teach that the initiator is thermally activated, both required by Applicants claims. Because Michal '285 does not teach all of the elements of Applicants' claims, Applicants respectfully submit that the rejection should be withdrawn. *Id.* at § 2130.

Conclusion

Applicants respectfully submit that, based on the foregoing amendments and remarks, the claims are in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephonic interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorney.

**PETITION FOR EXTENSION OF TIME**

Applicants hereby petition for a extension of time to reply of THREE MONTHS under 37 C.F.R. § 1.136 for which a fee of \$1,020.00 is due under 37 C.F.R. § 1.17 and paid herewith.

**AUTHORIZATION TO DEBIT DEPOSIT ACCOUNT**

The Commissioner is hereby authorized to debit deposit account 11-0600 in the amount of \$1,020.00 for the fee due under 37 C.F.R. § 1.17. Applicants respectfully submit that no additional fee is due with this paper. If any additional fees are due with this paper, the Commissioner is authorized to debit deposit account 11-0600 for any such additional fees.

Date:

February 24, 2005

Respectfully submitted,

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